

### Applicant's Invention

Applicant's invention is a cold formed, sheet metal structural member having a first planar web member with two longitudinally extending legs such that the structural member or cord comprises an elongated member of substantially U-shaped cross section being longitudinally symmetric and being closed at one end and open at the other end, the legs are mirror images of each other and terminate without outwardly extending hollow flanges having a margin area juxtaposed to the respective leg. As an additional embodiment a bracing web member is slidably receivable within the U-shaped cross section and can be secured to the depending legs by suitable fasteners and a secondary web is positionable on the structural member in parallel relationship to the first web to provide additional resistance for sheathing fasteners.

### THE REJECTION

Claims 1, 6, and 8 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,771,653 to Dolati.

Claims 2 through 5, 7 and 9 through 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Dolati '653

reference in view of U.S. Patent 5,535,569 to Seccombe, et al.

#### DISCUSSION

Applicant has amended Claim 1 of the application to include the limitation that the margins of the hollow flanges are now juxtaposed the leg members. This limitation has been included in independent Claim 1.

The Dolati reference neither teaches nor suggests that the flange members are hollow, nor does the Dolati reference teach or suggest that the flange members comprise a margin which is juxtaposed the leg member. It is therefore respectfully submitted that the rejection of Claims 1, 6 and 8 pursuant to 35 U.S.C. §102(b) as being anticipated on the Dolati reference is therefore obviated.

The rejection of Claims 2-5, 7, 9-11 pursuant to 37 U.S.C. §103(a) as being obvious in view of Dolati in combination with Seccombe is also obviated as a result of the amendment to Claims 1 and 2. The Examiner admits that Dolati does not disclose a third side flange member terminating with a margin member juxtaposed to the leg, but suggests that Seccombe discloses a third side flange member which terminates with a margin member

juxtaposed the leg and that it would therefore be obvious to one of ordinary skill in the art to modify Dolati. Seccombe discloses a structural member without two legs, but only one leg. Seccombe has its hollow flange members at the opposing termini of the single leg member. Applicant clearly teaches a structural member having two leg members with the hollow flanges at the terminus of each leg member. Therefore the combination of Seccombe and Dolati would not result in the structure as claimed by Applicant.

The Examiner also rejects Claims 3, 4, 5, 7, 9 and 10 based on Dolati, Figure 4, for the additional web members disclosed by Dolati. However, these web members are parallel to the legs of the Dolati reference, whereas Applicant's web members are parallel to the web. The purpose of Applicant's additional web members is to provide for two parallel surfaces for engagement with a fastener so as to provide for a more permanent engagement as opposed to one surface. The web members parallel to the legs as disclosed by Dolati, Figure 4, do not accomplish this purpose and it is therefore respectfully submitted that they do not obviate the aforesaid claims.

In view of the foregoing amendments and the discussion

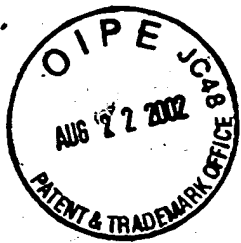
herein, it is respectfully submitted that the claims as amended are in condition for allowance and a notice of same is respectfully submitted.

Respectfully submitted,

STEVEN H. WALKER, ET AL. - Applicant

By:

*Clifford G. Frayne* 07/14/02  
CLIFFORD G. FRAYNE #27,637  
136 Drum Point Road, Suite 7A  
Brick, NJ 08723  
(732) 262-2075



BEST AVAILABLE COPY

COPY OF PAPERS  
ORIGINALLY FILED

VERSION WITH MARKINGS TO SHOW CHANGES

I claim:

1. An elongate metallic structural member having an elongate, planar web surface having longitudinal edges; a first leg member and a second leg member depending to one side of said web member from said longitudinal edges, said first leg member and said second leg member being mirror images, said first leg member and said second leg member terminating with outwardly extending hollow flanges, each outwardly extending flange having a margin member juxtaposed said respective leg member.

2. The elongate metallic structural member in accordance with Claim 1 wherein said outwardly extending hollow flanges are defined by said leg member, a first flange side member in a plane parallel with said web member, a second flange side member in a plane parallel with said leg member, and a third flange side member parallel to said first flange side member and said web member, said third flange side member terminating with [a] said margin member juxtaposed to said leg member.